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C O N F I D E N T I A L CARACAS 8775

E.O. 11652: GDS

TAGS: PLOS, VE

SUBJECT: AMBASSADOR LEARSON'S LOS CONSULTATIONS WITH
VENEZUELA

REF: CARACAS 8632

SUMMARY. AMBASSADOR LEARSON JULY 19 REVIEWED WITH C-2
CHAIRMAN AGUILAR AND SENIOR MEMBERS OF THE VENEZUELAN LOS
DELEGATION THE OUTSTANDING PROBLEMS FACING THE FORTHCOMING
SESSION OF THE LOS CONFERENCE. AGUILAR AGREED THAT C-2 AND C-3
WORK SHOULD BE CONCLUDED IN NEW YORK AND THEN FROZEN UNTIL C-1
WORK IS COMPLETED, WHICH HE THINKS WILL NOT BE POSSIBLE IN THE
NEXT SESSION. ON C-2 MATTERS AGUILAR FELT COASTAL STATES WOULD
NOT ACCEPT REVISION OF ARTICLE 20 BUT THOUGHT A COMPROMISE CAN BE
REACHED ON ARTICLES 44, 46 AND 75. AGUILAR WILL ESTABLISH A PANEL
OF EXPERTS TO DEFINE THE OUTER MARGIN OF THE CONTINENTAL SHELF.
HE THOUGHT REVENUE SHARING NOT A SERIOUS PROBLEM. HE IS NOT
SURE HOW THE TRANSITIONAL PROVISION SHOULD BE HANDLED. ON C-3
MATTERS THE VENEZUELAN INSIST ON A CONSENT REGIME FOR MARINE
SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE. THE VENEZUELAN HAD
NO CONCRETE SUGGESTIONS FOR C-1 MATTERS EXCEPT FOR ARTICLE 9.
END SUMMARY.

1. AMBASSADOR LEARSON, ACCOMPANIED BY RANDOLP (D/LOS)
AND MUNRO (EMBASSY CARACAS) MET FOR THREE HOURS AT THE
FONMINISTRY JULY 19 WITH C-2 CHAIRMAN ANDRES AGUILAR.
AGUILAR WAS ACCOMPANIED BY DEPUTY FALCON BRICENO (NO. 2 ON
VENDEL); AMBASSADORS ROJAS CABOT, MORALES PAUL AND MARTINEZ;
DR. EMILIO FIGUEROA (VENREP ON C-1) AND DR. GILBERTO
RODRIGUEZ (VENREP ON C-3). MEETING WAS FRIENDLY THROUGH-
OUT. HIGHLIGHTS OF THE DISCUSSION FOLLOW:
2. AMBASSADOR LEARSON'S OPENING REMARKS EXPRESSED THE
OPINION THAT C-2 AND C-3 WORK WOULD BE CONCLUDED AT THE
FORTHCOMING NEW YORK SESSION AND THEN FROZEN UNTIL C-1 WORK
IS COMPLETED. AGUILAR INDICATED HIS BELIEF THAT THIS WOULD BE
ACCOMPLISHED WM
3. DISCUSSION THEN PASSED TO C-2 MATTERS. AMBASSADOR

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LEARSON DISCUSSED THE RECOMMENDED U.S. FIX FOR ARTICLE 20, NOTING THE INTENT TO TRANSFER THIS ISSUE FROM C-2 TO C-3. AGUILAR TOOK NOTE OF THIS APPROACH BUT FELT THE LDC COASTAL STATES WOULD NOT ACCEPT THE CHANGE.

4. AMBASSADOR LEARSON STRESSED THAT ARTICLES 44, 46 AND 75 POSED A MAJOR ISSUE FOR THE U.S. AGUILAR RECOGNIZED THIS AND EXPRESSED HIS OPINION THAT A COMPROMISE CAN BE REACHED. HIS POSITION IS THAT THE TERRITORIALISTS HAVE LOST THE BATTLE AND READY TO COMPROMISE. AGUILAR SAID HE HAD TALKED TO PERU, URUGUAY AND ECUADOR, AND THAT THE ROAD SEEMS CLEAR TO CHANGE THE DRAFT TO ASSIGN RESOURCES RIGHTS TO THE COASTAL STATES; OTHER RESIDUAL RIGHTS WOULD BE ASSIGNED TO THE INTERNATIONAL COMMUNITY. HOWEVER, AGUILAR DID NOT BELIEVE THE TERRITORIALISTS WILL PERMIT THE USE OF THE WORDS "HIGH SEAS" AND THAT SOME IN-BETWEEN WORDING MUST BE FOUND.

5. AS TO THE CONTINENTAL SHELF, AGUILAR INDICATED THAT THE POLITICAL DECISION HAS BEEN MADE RESPECTING COASTAL STATE RETENTION OF RIGHTS TO THE CONTINENTAL SHELF BEYOND 200 MILES. AGUILAR STATED HE PLANS TO ESTABLISH A BROAD-BASED PANEL OF EXPERTS TO DEFINE THE OUTER MARGIN.

6. ON REVENUE SHARING, AGUILAR THOUGHT THIS DOES NOT CONSTITUTE A SERIOUS PROBLEM AND INDICATED, WITHOUT COMMITMENT, THAT PARA. 3 OF ARTICLE 70 SHOULD BE DELETED. HE FELT QUITE STRONGLY THAT THE SEABED AUTHORITY SHOULD BE THE DISBURSING AGENCY FOR THE FUNDS RECEIVED FROM REVENUE SHARING.

7. ON THE TRANSITIONAL PROVISION, AGUILAR FULLY UNDERSTANDS OUR POSITION. BUT HE HAS NO COURSE OF ACTION CLEARLY IN MIND. AGUILAR WOULD LIKE TO DELETE THE PROVISION ALTOGETHER, BUT FEARS THE ISSUE MAY BE EXPLOSIVE AND IS NOT SURE HOW HE WOULD PREFER TO MANEUVER IT.

8. DISCUSSION TOUCHED NEXT ON C-3 MATTERS. AMBASSADOR LEARSON STRESSED THE IMPORTANCE WE ATTACH TO THE QUESTION OF FREEDOM OF MARINE SCIENTIFIC RESEARCH AND DISCUSSED THE EFFECT THE IMPOSITION OF A COMPLETE CONSENT REGIME WOULD HAVE ON MARINE SCIENTIFIC RESEARCH WITH THE RESULTANT NEGATIVE EFFECT ON THE US INTELLECTUAL COMMUNITY AND HOW THIS WOULD COMPLICATE US RATIFICATION OF THE LOS TREATY. HE EMPHASIZED THAT A NOTIFICATION REGIME IS WARRANTED AND COMPLETELY PROTECTS COASTAL STATE RIGHTS. BOTH AGUILAR AND HIS VENEZUELAN COLLEAGUES EXPRESSED COMPLETE SATISFACTION WITH THE TEXT AS IT PRESENTLY

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STANDS AND BELIEVE IT IS JUSTIFIED. THE VENEZUELAN
OBSERVED THAT IF GOOD RELATIONS EXIST BETWEEN THE
RESEARCHING AND THE COASTAL STATES MARINE SCIENTIFIC
RESEARCH WILL PROCEED; IF NOT, NO AUTHORIZATION WOULD BE FORTH-
COMING IN ANY EVENT.

9. C-1 MATTERS FOLLOWED. DISCUSSION OF A BROADER NEGOTIATING
TEAM REPRESENTING ALL ELEMENTS OF THE LOS CONFERENCE APPEALED
TO THE VENEZUELAN, WHO DO NOT BELIEVE C-1 WORK CAN BE
COMPLETED IN THE NEXT SESSION.

10. THERE FOLLOWED A LENGTHY DISCUSSION OF THE ACCESS SYSTEM,
FUNDING OF THE ENTERPRISE, COMPOSITION OF AND VOTING IN THE
COUNCIL, PROFIT SHARING AND ARTICLE 9. THE VENEZUELAN HAD
LITTLE TO OFFER BY WAS OF CONCRETE SUGGESTIONS EXCEPT FOR
ARTICLE 9, WHICH THEY CONSIDERED TOO LIMITED AND WHICH SHOULD
ADDRESS OTHER SEABED RESOURCES, I.E., PETROLEUM. AGUILAR
SAID HE WOULD VERY MUCH LIKE TO RECEIVE OUR SUGGESTED
REVISIONS WHEN THEY ARE COMPLETED.

11. MEETING CNCLUDED WITH AGUILAR THANKING AMBASSADOR LEARSON
FOR VISITING CARACAS TO EXCHANGE VIEWS AND EXPRESSING REGRET
THAT AMBASSADOR CLINGAN'S SUDDEN ILLNESS HAD PREVENTED HIM
FROM ATTENDING THE MEETING. ASENSIO